

Nov-12-07 12:53pm From:HACK,PIRO,ODAY

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T-414 P.003/006 F-708

003/005

ANNE MILGRAM
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FILED

DEC 13 2007

By: John D. Hugelmeyer
Deputy Attorney General
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NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Carl Spinelli, D.C.
License No: 38MC00239300

TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Chiropractic Examiners upon receipt of information which the Board has reviewed, and the parties wishing to resolve this matter without further formal proceedings, hereby stipulate to the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent, Carl Spinelli, D.C., is a chiropractic physician in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about August 27, 2002, Respondent was arrested by the Jersey City Police. He was subsequently charged with attempted theft by deception, in violation of N.J.S.A. 2C:5-1, in connection with his report of the theft of his motor vehicle.
3. On or about June 12, 2003, Respondent filed a renewal application for his license to practice chiropractic on which he failed to disclose his arrest in response to question #5.
4. On July 19, 2004, the criminal charges against Respondent were dismissed in consideration of his completion of the Hudson County Pretrial Intervention program.
5. On or about June 18, 2007, Respondent entered into a Stipulation of Settlement, resolving a civil action brought by the New Jersey Office of the Insurance Fraud Prosecutor in Superior Court of New Jersey, Essex County, Docket No. ESX-L-8418-05, in which he stipulated and acknowledged that on August 9, 2002, he had knowingly submitted a false automobile theft claim to Liberty Mutual Insurance Company, in violation of N.J.S.A. 17:33A-1 et seq. Respondent paid a civil penalty in the amount of \$5,000.00, and a service of process fee of \$49.95.

CONCLUSIONS OF LAW

1. The aforesaid conduct provides grounds for the suspension or revocation of Respondent's license to practice chiropractic in New Jersey pursuant to N.J.S.A. 45:1-21(a) and (b), in that he obtained a renewal registration through deception or misrepresentation; and engaged in the employment of deception and misrepresentation in filing a false insurance claim.
2. The aforesaid conduct provides grounds for the suspension or revocation of Respondent's license to practice chiropractic in New Jersey pursuant to N.J.S.A. 45:1-21(k), in that he violated provisions of N.J.S.A. 17:33A-1 et seq., and was the subject of a civil penalty under that Act, imposed pursuant to the police powers of the State of New Jersey.

Respondent desiring to amicably settle this matter by agreeing to the suspension of his license to practice chiropractic, to be stayed as a period of probation, and the Board determining that the within Order is adequately protective of the public health, safety and welfare; and for good cause shown;

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IT IS ON THIS 13th DAY OF December, 2007;

ORDERED AND AGREED that:

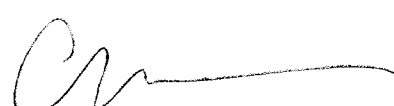
1. Respondent's license to practice chiropractic in this State shall be and hereby is suspended for a period of one (1) year, to be stayed and deemed a period of probation, commencing on the date of issuance of this Order. Such stayed period of suspension shall be activated upon a showing of Respondent's non-compliance with any of the terms of this order, or violation of any statute or regulation governing the practice of chiropractic during the probationary period.

2. Respondent shall pay costs of investigation in the amount of \$2,140.29. Payment shall be by certified check or money order made payable to the State of New Jersey, and shall be sent to: Joanne Boyer, Acting Executive Director, Board of Chiropractic Examiners at 124 Halsey Street, Sixth Floor, P.O. Box 45004, Newark, New Jersey 07101, within ten (10) days of signing this Order.

STATE BOARD OF CHIROPRACTIC EXAMINERS


By: Albert Stabile, Jr., D.C.
Board President

I have read the above terms of the within Order. I understand the terms of the Order and I agree to be bound by same.



Carl Spinelli, D.C.

Consent is hereby given as to the form and entry of this Order.


Gina Mendola Longarzo, Esq.
Attorney for Respondent